

Official Minutes for Webb County Commissioners Court Meeting

Monday, March 10, 2003 at 1:30 P.M.

(Corrections approved 03-24-03 are in parenthesis and in bold)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:30 p.m. at the regular meeting place with the following members present to wit:

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|------------------|----------------------|
| Louis H. Bruni | County Judge |
| Jerry Vasquez | Commissioner, Pct. 1 |
| Judith Gutierrez | Commissioner, Pct. 2 |
| Felix Velasquez | Commissioner, Pct. 3 |
| David Cortez | Commissioner, Pct. 4 |

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 6th of March 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call - Margie Ramirez Ibarra, County Clerk

- Item No. 3 Pledge of Allegiance - Cmr. Jerry Vasquez

Invocation – Cmr. Felix Velasquez

- Item No. 4 Approval of Minutes for February 24, 2003

Cmr. Vasquez, Cmr. Gutierrez and Cmr. Cortez had no corrections, additions or deletions to the minutes.

Cmr. Velasquez stated that on page 7, Item No. 20, it should state motion carried 5 to 0 instead of 55 to 0. He also stated that Item 51 and Item 52 should state that motion carried 4 to 0 instead of 5 to 0 due he was not present for voting on this item.

Cmr. Gutierrez motioned to approve minutes with corrections.
Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move Item #5 after Item # 6. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Judge Bruni stated that he put this item on the agenda so that the Court could advise the public of any upcoming events or to keep them aware of any ongoing projects in each precinct. Cmr. Vasquez and Cmr. Velasquez had no comments. Cmr. Gutierrez stated that she would discuss that when the item came up. Cmr. Cortez stated that he would like for the furniture that belongs to the Court be returned to the Court and that the furniture in the Court that does not belong there be transferred to the new Justice of the Peace's office in South Laredo. Judge Bruni stated that he would like a moment of silence in memory of Mr. Arturo Benavides, who was an asset to the ranching community for many years and who passed away this past week. He also presented the "Certificate of Completion" to Mr. Jesus Cantu, County Veterans' Service Officer, for completing of training as the Veterans' Service Officer as required by the State of Texas. Mr. Cantu stated that he believes that he has the best job in the County because his job is to help the men and women who gave their all on behalf of their country.

Item No. 7 Public Comment

Mr. Hector Farias was present to address Item No. 6. He presented the Court with copies of the letter submitted by VIDA to the Texas Board of Accountancy in regards to Cmr. Velasquez and his alleged conflict of interest in the contract between Webb County and Brooks County for the transfer of inmates. He also spoke of the alleged 1st Amendment infringements made by Cmr. Velasquez and Cmr. Cortez. He stated that the reason he came before the Court at every meeting and tells them this was because no matter how many times Cmr. Velasquez and Cmr. Cortez have been invited to a VIDA meeting, they have yet to attend. He stated that he does this so that the community knows what types of elected officials are serving on this board. He asked Cmr. Velasquez if he had recently been in Las Vegas with a builder from Brooks County. Cmr. Velasquez did not answer as per instructions by counsel at previous meetings. Judge Bruni advised Mr. Farias to submit all of his grievances and comments via a letter to his attention so that they can sit down and discuss them at a later time.

Constable Raul Hinojosa, Pct. 1, was present to update the Court as to new information received from Government Acquisitions, Inc.

He stated that through primary information submitted by him to Government Acquisitions, the county was found to qualify, as per the information submitted, for their vehicle acquisition program. Cmr. Cortez commended Constable Hinojosa on his efforts to find ways in which to save the County money. He stated the he hoped that he would not be criticized like Cmr. Velasquez for trying to save money or for trying to bring in some money. Judge Bruni stated that he was only looking out for the people who put him in office. Cmr. Velasquez stated that he supported the idea of working with Constable Hinojosa and Government Acquisitions in an effort to save some county monies. Constable Hinojosa stated that at best the savings to the County could amount up to \$1.5 million dollars.

Judge Bruni motioned to move up Item No. 10. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent to bring up Item No. 10

- Item No. 10 Discussion and possible action to approve a resolution indicating the County's desire to move forward with the implementation of Texas on Line for the E-filing of documents with various county departments.

Mr. Bill Rodgers thanked the Court for bringing up item so soon. He stated that he is looking forward to working with the County on this endeavor and that he hopes that the court will approve this today. Cmr. Cortez stated that if this project will work through e-mail and people will not have to come in person, this would reduce the manpower needed in the future to run these offices.

Cmr. Cortez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Proclamation for "Cover the Uninsured Week" presented by the Webb County Partners for Healthcare Access.

Cmr. Gutierrez, chairperson for the Webb County Partners for Healthcare Access, presented a proclamation before the Court for "Cover the Uninsured Week." Mr. Mike Treviño, CEO for Gateway Community Health Center, stated that he would be glad to address this program. He stated there are approximately 14,000 people who are seen at Gateway Clinic and 10,000 of them are uninsured. Ms. Mandy Casso came by on behalf of Mr. Abraham Martinez, CEO

of Doctors Hospital. She read a letter written by Mr. Martinez that states that the emergency room is no place for people to receive health care and that he is looking forward to working with the coalition to remedy this problem. Mr. Iruegas of Mercy Hospital stated that he agreed with Mr. Martinez comments about the uninsured using the emergency room for primary health care needs. He stated that the uninsured usually end up with higher health care costs because conditions treatable in early stages are not treated until it is too late for treatment. He stated that early treatment could mean the difference between life and death if diagnosis and treatment are started in the beginning stages of illnesses such as cancer. Dr. Susan Baker, Director of Nursing at TAMIU told a story of a 36-year-old mother of 5 who noticed a lump growing at the side of her neck. Even though she took her children to the doctor regularly, she did not see a doctor until several months after she noticed the growth. Local doctors at the health center where she went performed a biopsy and advised her that she had cancer. Even though her doctors performed many procedures at no cost to her, the specialist she was referred to advised her that she needed immediate treatment but she was to return when she had the monies needed to pay for the treatment or when she had some type of insurance. A bone marrow transplant was her only treatment at a cost of \$100,000 but with a family to care for with only her husband's \$30,000 a year income, she did not seek any further treatment. This ultimately led to her death. Cmr. Gutierrez advised the court that March 10th through 16th had been designated as "Cover the Uninsured Week" to spotlight the 41 million Americans who are uninsured, with 67 thousand in Webb County. She gave thanks to all the organizations and people who have worked on this endeavor for the past 10 months. Judge Bruni signed proclamation naming March 10th through March 16th as "Cover the Uninsured Week" in Webb County.

Item No. 5 Approval of Bills, Payroll and Monthly Reports

Delia Perales, County Treasurer, presented court with side bills totaling \$4,763.89 and one item that was paid in advance for \$4,848.86 (Road & Bridge Dept.)

Tomas Rodriguez advised the court that the company that supplies Webb County with the asphalt needed by Road and Bridge is Marlen Company. He stated that the company no longer provides the County credit with which to purchase products so department now sends check at time of order. Cmr. Velasquez stated that this was probably due to the invoices being paid late. Judge Bruni inquired as to why asphalt was not purchased from a company that will grant County with credit. Mr. Eloy Ramirez, Purchasing Agent,

stated that when oil emulsion was bought from Eagle Asphalt in Corpus Christi, the office would cut the check and send it with the order because they required payment within 10 days of delivery. Mr. Jose Rodriguez, Road and Bridge Superintendent, stated that the company that they use now used to be Eagle Asphalt but they changed the name of the business. He stated that they had a contract with Eagle Asphalt but is unsure if it is still valid because of the name change. States that only other company that sells oil emulsion in Webb County is Leyendecker Construction. Stated that asphalt was used in the paving of Martineña Road. Judge Bruni stated that he has received many good comments on the paving of Martineña Road.

Cmr. Gutierrez motioned to accept bills and reports presented. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Leo Flores stated that he sent two (2) memos to the Court in regards to the submission of the side bills as well as the Park Development Program. Cmr. Gutierrez stated when the funding for the dredging of the lake was approved, the court did not specify the funding location but it was never said to be from the Commissioners' Park funds. Cmr. Velasquez stated that the \$625,000 was for the park funds and the monies for the dredging were going to come from the "healthy" fund balance. Cmr. Cortez stated that he had concerns on the purchase of property from the Texas Mexican Railway for \$1.3 million dollars. He stated that the property was appraised at \$1.07 million dollars and he did not understand why the County would pay more than what it was worth. He also stated that he was concerned about the source of funding for this project. Mr. Homero Ramirez, County Attorney, stated that he would advise court to not discuss items that are not included in the agenda and that no impression of taking action be given. Cmr. Vasquez requested Mr. Ramirez to advise Court as soon as he becomes aware of something being discussed in violation of the Texas Open Meeting Act. Mr. Ramirez stated that he has advised court of these violations beforehand and will continue to do as he has in the past. He stated that the best idea would be that in order to discuss the reports, an item stating that reports will be discussed be placed on the agenda. Cmr. Vasquez stepped out. Mr. Ramirez stated that item must clearly state that report will be discussed in open session. Cmr. Vasquez returned.

Item No. 8 Discussion and possible action to appoint permanent board members to the Rural Rail Transportation District and to accept the resignation of the temporary board members.

Judge Bruni advised Court that every Commissioner would appoint a member for the Rural Rail Transportation District Board. Cmr. Vasquez appointed Mr. Carlos Villarreal. Cmr. Gutierrez appointed Mr. Fernando Laurel. Cmr. Velasquez appointed Mr. Arturo (J.) Dominguez. Cmr. Cortez appointed Mr. Ramiro Barrera. Judge Bruni appointed Mr. Javier Gonzalez.

Cmr. Gutierrez motioned to approve appointees as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez inquired as to who will appoint chairperson for committee and how will bylaws be adopted. Judge Bruni advised Court that committee will appoint chairperson and adopt bylaws.

- Item No. 9 Discussion and possible action to accept, by order, the donation of materials and construction services by Conoco-Philips, Inc. for improvements on Jennings Road, including the installation of a six inch (6") flexible base on a ten foot (10') strip on selected areas of shoulder of the paved road, and an indemnification and hold harmless for the County for any occurrence during the construction of the improvements, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 11 Status report on the acquisition of real property by the City of Laredo from Webb County out of the Casa Blanca County Club Tract. **[Closed Session requested pursuant to Texas Open Meeting Act 551.017 (Consultation with attorney)]**

Cmr. Gutierrez motioned to move item to executive session. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 12 Discussion and possible action to appoint a Cost Containment Committee.

Judge Bruni advised Court that he would have each member of the court appoint a representative from the public sector to serve as a member of this board in an attempt to cut or curb unbridled expenditures. He stated that the Court would appoint members at the next meeting.

Comr. Gutierrez motioned to approve item as submitted and the appointment of one person per Court member to committee. Comr. Velasquez seconded the motion with discussion.

Comr. Velasquez congratulated Judge Bruni on his vision.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action on de-obligating the Office of Rural Community Affairs, Texas Community Development Program contract #720155 (Tanquesitos I Sanitary Sewer Collection Sanitary Grant) as per consensus with Office of Rural Community Affairs, The Texas Water Development Board, the Texas Department of Housing and Community Affairs and with the City of Laredo on meeting of February 27, 2003.

Comr. Gutierrez stated that Court needed to de-obligate bonds and use future monies to fund this program. She stated that due to timeline constraints, if bonds were not de-obligated, county would lose those funds.

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action on amending the 2002 Bond Issue Capital Outlay requests.

Mr. Jorge Flores, Chief Financial Officer, stated that the court had a savings of \$64,525 available for other departments to use from the Capital Outlay budget. He stated that because some departments do not spend the entire amount budgeted for a particular expense, the money is returned to the Capital Outlay Budget. Comr. Velasquez stated that he would like for other departments that are in need of supplies or equipment to justify those expenditures and request monies from the Capital Outlay balance.

Comr. Velasquez motioned to approve item as submitted. Comr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action regarding the employment, evaluation, re-assignment, duties, discipline, or dismissal of the Road and Bridge Superintendent. **[Closed Session requested pursuant to Texas Open Meeting Act 551.071 (Consultation with Attorney) and 551.074 (personnel matters)]**
- Item No. 17 Discussion and possible action to name an interim director of the Road and Bridge Department.
- Item No. 18 Discussion and possible action to establish the qualifications and procedure for the search for potential candidates and appointment of a new Road and Bridge Superintendent.
- Item No. 19 Discussion and possible action regarding pending litigation cases. **[Closed Session requested pursuant to Texas Open Meeting Act 551.071 (Consultation with Attorney)]**

ADDENDUM

- Item No. 1 Discussion and possible action to transfer and reassign the Road and Bridge Department from under the purview of the Webb County Engineer's Department to that of the Webb County Commissioners' Court.

Comr. Cortez requested Item No. 16 through 19 as well as Addendum Item No. 1 be deferred to executive session.

- Item No. 2 Request for a report from the County Engineer and the County Attorney as to Webb County's position on the status and development of roads at La Moca, and the question of ownership thereof.

Comr. Cortez stated that he is requesting a report be submitted at the next meeting in regards to this item. Judge Bruni stated that item needed to be addressed. Mr. Rudy Lerma addressed Court in regards to this item and stated that the road in question goes through two different properties and the owners want to lock the gate and prevent usage from other property owners. He stated that as per plans and other information, the road is a dedicated road and the owners want to find out if it is really a public road as

they believe or a private road as the other owners state. He stated that there are about 25 to 30 other people who use that road, including several veterans who purchased property in that area.

- Item No. 20 Discussion and possible action to enter into a thirty-six (36) month equipment lease agreement (March 1, 2003 through February 28, 2006) with TOSHIBA AMERICA, INC for two (2) Toshiba E-Studio 150 copiers at a monthly rate of ONE HUNDRED AND THIRTY SEVEN DOLLARS (\$137.00) for a total cost of TWO THOUSAND TWO HUNDRED AND TWENTY SIX DOLLARS (\$2,226.00) over the term of the lease with the ability to purchase the equipment for ONE DOLLAR (\$1.00) at the end of the lease term, and authorizing the Webb County Judge to sign all relevant documents. (Account #903-4207-6014 Equipment Rental Head Start)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to enter into a lease agreement with XEROX for one (1) DC432DC Copier with two (2) trays and finisher for a monthly cost of TWO HUNDRED THREE DOLLARS AND NINETY-EIGHT CENTS (\$203.98) (being SEVEN THOUSAND THREE HUNDRED FORTY-THREE DOLLARS AND TWENTY EIGHT CENTS (\$7,343.28) over the term of the lease) and one and one-half cent (\$0.015) per page for copies in excess of 25,000 for a 36-month period and authorizing the County Judge to sign all relevant documents. [Account #504-6500-6201 Utilities Self Help Center]

- Item No. 22 Discussion and possible action to enter into a one year maintenance agreement (March 15, 2003 through March 14, 2004) with IBM to provide maintenance services to the AS/400 machine at an annual cost of FOURTEEN THOUSAND SIX HUNDRED AND FORTY-EIGHT DOLLARS AND SIXTY CENTS (\$14,658.60) and an option to renew for one additional year and authorizing the County Judge to sign all relevant documents. (Account #001-0500-6402 Repair and Maintenance of Equipment Management Information Systems Department)

- Item No. 23 Discussion and possible action to enter into a non-substantive contract amendment with South Texas Development

Council/Border Area Nutrition Council in order to rectify a typographical error on the original contract and authorizing the County Judge to sign all relevant documents.

- Item No. 24 Discussion and possible action to enter into a contract amendment with the Texas Department of Transportation for the state/Local public Transportation Grant Agreement, Amendment #2 reducing the FY 2003 general revenue for the El Aguila Rural Transportation Program by FIVE THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$5,365.00) TO FIVE HUNDRED SIXTEEN THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS (\$516,329.00) authorizing the County Judge to sign all relevant documents.
- Item No. 25 Discussion and possible action to ratify termination of Lease Agreement with Challenger Battery, Inc. concerning lease space at 3719 Santa Maria, Webb County, Texas. (Requested by Community Action Agency)
- Item No. 26 Discussion and possible action to order the acceptance of dedications of 23 rights-of-way (20 out of Ranchos Penitas West and 3 out of San Carlos Subdivision, Phase II) from the following individuals:

RANCHOS PENITAS WEST SUBDIVISION

| Tract | Grantee(s) |
|----------------------------------|---|
| 1. Lot 25, Unit III | Hector De La Garza |
| 2. Lot 26, Unit III | Hector De La Garza |
| 3. Lot 4, Unit I-A | Juan Manuel Carrillo, Juara Isabel Jones, Alberto Carrillo, Hortencia Carrillo, Jaime Carrillo, and Patricia Carrillo |
| 4. Lot 6, Unit I-A | Esteban Rosales and Guadalupe A. Rosales |
| 5. Lot 11, Unit I-A | George Jimenez |
| 6. Lot 12, Unit I-A | Mario Alberto Treviño, Thelma E. Treviño, Lorenzo Moncivais, Jr., and Maria A. Moncivais. |
| 7. Lot 7, Block I-A [Tract A] | Eusebio Garcia and wife Adelina R. Garcia |
| 8. Lot 7, Block I-A [Tract B] | Manna of Life Ministries, Inc. |
| 9. Lot 1B-1, Unit I-B | Rita C. Quintanilla a/k/a Rita C. Rubio, Delia Laura Quintanilla, Cristina Quintanilla, and Veronica Quintanilla |

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|------------------------|--|
| 10. Lot 1B-2, Unit I-B | Rita C. Quintanilla a/k/a Rita C. Rubio, Delia Laura Quintanilla, Cristina Quintanilla, and Veronica Quintanilla |
| 11. Lot 30, Unit III | Maria R. Lara |
| 12. Lot 31, Unit III | Guillermo and wife Ramona Dougherty |
| 13. Lot 42, Unit IV | Alvino "Ben" Morales |
| 14. Lot 43, Unit IV | Ignacio and wife Guadalupe Salinas |
| 15. Lot 19, Unit II | Manuel Torres |
| 16. Lot 20, Unit III | Gabriela C. Navarro |
| 17. Lot 27, Unit III | Gabriela C. Navarro |
| 18. Lot 22, Unit III | Antonio and wife Sherri A. Valls |
| 19. Lot 35, Unit III | Calixto and wife Uvence Seca |
| 20. Lot 42, Unit IV | Ana Luisa Valdez |

SAN CARLOS SUBDIVISION, PHASE II

- | Tract | Grantee(s) |
|---------------------|-----------------------------|
| 21. Lot 12, Block 3 | Mario Perez and Delia Perez |
| 22. Lot 21, Block 3 | Mario Perez and Delia Perez |
| 23. Lot 22, Block 3 | Mario Perez and Delia Perez |

Item No. 27 Discussion and possible action to enter into an Architectural Services Agreement with Morales & Associates, Architects, Inc. in the amount of THIRTY-SIX THOUSAND DOLLARS (\$36,000.00) for renovation to the Webb County Justice Center and design of flood detection, alert and auto shut-out systems to cover all floors of the building and inspection and restoration of the present fire protection system and authorizing the County Judge to sign all relevant documents. [Account #687-0117-8601 Construction in Progress Justice Center Fire Protection]

Comr. Vasquez motioned to approve Item No. 21 thru No. 26 as submitted and to table item No. 27. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent to approve Item No. 21 thru Item No. 26.

Motion carried 5-0 by unanimous consent to table Item No. 27

Comr. Cortez requested that items be read into the record so that those watching the meeting from home without an agenda would know what items are being acted on. Judge Bruni agreed with Comr. Cortez and stated that he has requested PAC (Public Access Channel) scroll the agenda on the bottom of the screen during televised broadcasts. He stated that he has received no response

but stated that if there were no other choice, the County would pay to have the agenda items broadcast at the bottom of the screen

- Item No. 28 Discussion and possible action to approve a resolution and order authorizing the submission of a grant proposal to the United States Department of Agriculture (USDA) Rural Development for its Housing Preservation Program to provide funding for rehabilitation of homes for low to moderate income families in Webb County Colonias. Grant amount not to exceed \$200,000.00 with no required matching dollars
- Item No. 29 Discussion and possible action to approve a resolution and order authorizing the submission of a grant proposal to the Texas Department of Housing and Community Affairs HOME Program to provide funding for the rehabilitation of homes for low to moderate income families in Webb County's colonias. Grant amount not to exceed \$500,000 with an in-kind match not to exceed \$25,000
- Item No. 30 Discussion and possible action to approve a resolution and order to request contract amendment to Texas Community Development Program #720889 Los Corralitos Water Improvements and Bruni Community Center for 6-month extension or up to October 20, 2003. (No cash-match required)

Judge Bruni inquired as to what "in-kind" meant on Item No. 29. Mr. Juan Vargas, Economic Development, stated that "in-kind" meant a non-monetary contribution that would be valued, in this case, at no more than \$25,000. He stated that for this project, the in-kind match would be the removal of the debris at a valued cost of \$1,600 per home for 20 homes

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Tomas Rodriguez, Engineering Department, asked court if Road and Bridge would be responsible for the removal of the debris or would the county hire out for this job. Mr. Juan Vargas stated that Road and Bridge has been used in the past for similar projects and that if the County would cover the cost, it would no longer be an in-kind match. Mr. Rodriguez stated that he is okay with assisting the Economic Development on this endeavor but would need Court authorization due the amount of manpower, equipment and the tipping fees charged at the City dump.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action authorizing final payment to Zertuche Construction in the amount of \$14,783.00, for the completion of the Larga Vista Community Center expansion. [Account #679-8105-8103 Building Improvements]

- Item No. 32 Discussion and possible action authorizing the Road and Bridge Department to purchase and deliver a combination of ten (10) "No Dumping Allowed and Illegal to Dump" signs to the City of El Cenizo at a cost of \$315.00. The City of El Cenizo will install the signs. [Account #010-7002-6205 Materials and Supplies]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to transfer a 1990 Chevrolet Pick-up truck from the Parks and Grounds Department to the Facilities Department.

Cmr. Cortez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to fill slot #1540, Supervisor of Custodial Services, in the amount of \$28,000 per year effective March 10, 2003. [Account #**(001)**-0106-5001 Payroll]

Cmr. Cortez motioned to defer item. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action to fill the following slots:

- 1) Slot #2051, part-time substitute teacher at \$6.94 per hour (15 hours per week for 10 months) in the amount of \$4,580, effective March 11, 2003.

- 2) Slot #1092, full time maintenance worker in the amount of \$20,078 per year, effective March 11, 2003.

[Account #903-4208-5001 Payroll]

Comr. Gutierrez motioned to approve item as submitted. Comr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action to issue a "Certificate of No Plat Required" pursuant to the exception provisions of the Webb County Subdivision Regulations under Section XVI, Subsection 1.A (2) to the following tracts:

- 1) U.S. Cellular, Callaghan Site (439429), located at 20141 US 83 N being a .62-acre tract, more or less, out of Block 1, Los Compadres Subdivision Unit I, as further depicted on that certain survey prepared by D. G. Smyth, Registered Professional Land Surveyor #2046, executed on January 14, 2003 that accompanied the application to the Webb County Planning Department.
- 2) U.S. Cellular, 83/44 Site (439431), located at 25837 US 83 N being a 2.65 acre tract, more or less, out of Abstract 29, Survey 977, as further depicted on that certain survey prepared by D. G. Smyth, Registered Professional Land Surveyor #2046, executed on January 23, 2003 that accompanied the application to the Webb County Planning Department.

Comr. Gutierrez motioned to approve item as submitted. Comr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 37 Discussion and possible action to authorize the Purchasing Agent to purchase computer equipment from IBM in the amount of \$19,946.20. [Account #315-2040-8801 Capital Outlay Local Law Enforcement Block Grant]

Comr. Gutierrez motioned to approve item as submitted. Comr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 38 Discussion and possible action to award/reject Bid #2003-28 "Safety Surfacing System" to Kaplan in the amount of \$89,031.95. [Account #903-4207-6225 Playground Supplies Head Start]

Mr. Eloy Ramirez, Purchasing Agent, stated that there were 3 bids received on this item. The highest bidder was Ferrionni at \$131,216.70 followed by Sports and Recreational Products, Inc. at \$92,430.60 and with the low bidder being Kaplan at \$89,031.95. He stated that the recommendation from the Purchasing Department is Kaplan.

Cmdr. Gutierrez motioned to approve recommendation as submitted. Cmdr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 39 Discussion and possible action to authorize the Purchasing Agent to purchase office furniture from Patria Office Supply in the amount of \$4,754.20 and two (2) sets of mounted flags from Dixie Flag manufacturer in the amount of \$398.10 for Constable Raul Hinojosa, Precinct 1. [Account #166-2500-8408 Office Equipment Constable Precinct 1 Federal Forfeiture]

Cmdr. Gutierrez motioned to approve item as submitted. Cmdr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 40 Discussion and possible action to authorize the Purchasing Agent to solicit Request for Qualifications to retain the services of a delinquent Ad Valorem Tax Collection Attorney.

Mr. Homero Ramirez, County Attorney, stated that "asset collection/recovery" should be deleted from the RFQ and the RFQ also contain a list of all lawsuits filed against them.

Cmdr. Gutierrez motioned to approve item with recommendations. Cmdr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and possible action to enter into an agreement with Sames Motor Company to act as an agent of the Tax Assessor Collector in the issuance of motor vehicle license

validation stickers and license plates and in the application for new vehicle titles to further public convenience and to allow the County Judge to execute relevant documents.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Cmr. Cortez stated that Paul Young was already doing this. Nathan Bradden, County Attorney's Office, stated that this is an option that dealerships can request from the county and that if the Tax Assessor/Collector feels that their office is qualified, then an agreement is made.

Motion carried 5-0 by unanimous consent.

Item No. 42 Discussion and possible action to approve request for refunds as recommended by the Tax Assessor Collector as follows:

- 1) Chevron Texaco Corporation
Reason: Split as per new division order
Total Refund: \$1,055.44
- 2) Ridgebury Funding LLC
Reason: Clerical Error 25.25, Change of Value
Total Refund: \$558.68
- 3) Whiting Petroleum Corp., c/o Kirkwood & Darby Inc.
Reason: Split Royalties assessed to WAH Royalty Co.
Total Refund: \$766.49
- 4) Lewis Petro Properties Inc.
Attn: Linda H. Lovell, Accountant
Reason: Overpayment
Total Refund: \$527.01

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez motioned to return to Item No. 7, Public Comment. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Jesus Sanchez stated that he is in favor of the various projects being presented to the Court to benefit the colonia residents. He stated that some residents believed that Ms. Rhonda **(Tiffin)**, Planning Director, was placing some of these programs on hold and

that they wanted answers. He stated that they have tried contacting her to no avail. Judge Bruni stated that he would set up a meeting between Ms. **(Tiffin)**, Mr. Vargas from Economic Development, Cmr. Gutierrez and Mr. Sanchez so that they could discuss these issues further. Advised Mr. Sanchez to speak with Mr. Raul Casso, Chief of Staff, to set up this meeting.

Cmr. Gutierrez motioned to move into a 10 minute Media Break. Cmr. Vasquez seconded the motion.

Motion carried 5-0 to move into a Media Break.

MEDIA BREAK (3:32 P.M. TO 3:45 P.M.)

Meeting reconvened by Judge Bruni.

Judge Bruni inquired as to whether Addendum Item 1 would have to be addressed before Executive Session. Mr. Homero Ramirez, County Attorney, advised Court that this was at their discretion. Judge Bruni inquired as to Item No. 16 thru No. 19. Mr. Ramirez recommended that items be discussed in Executive Session for consultation with attorney and that discussion on personnel matters could be discussed in either Open or Executive Session at the discretion of the Court unless the employee wishes for item to be addressed in Open Session.

Cmr. Gutierrez motioned to enter into Executive Session. Cmr. Cortez seconded the motion.

Mr. Homero Ramirez advised Court that all litigation items would also be discussed in Executive Session to include Item No. 11, No. 16 and No. 19.

Motion carried 5-0 by unanimous consent to move into Executive Session

EXECUTIVE SESSION (3:50 P.M. THRU 4:15 P.M.)

Judge Bruni called meeting to order. He stated that no action was taken during executive session.

- Item No. 11 Status report on the acquisition of real property by the City of Laredo from Webb County out of the Casa Blanca County Club Tract. **[Closed Session requested pursuant to Texas Open Meeting Act 551.017 (Consultation with attorney)]**

Cmr. Gutierrez motioned to have the County Attorney negotiate as per the perimeters discussed in Executive Session and to allow Mr. Raul Casso, Chief of Staff, to participate in the proceedings. Cmr. Velasquez seconded the motion.

Judge Bruni stated that he has received calls from City officials in regards to this item and is requesting that this item be expedited due to safety concerns that the City of Laredo has.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action regarding the employment, evaluation, re-assignment, duties, discipline, or dismissal of the Road and Bridge Superintendent. **[Closed Session requested pursuant to Texas Open Meeting Act 551.071 (Consultation with Attorney) and 551.074 (personnel matters)]**
- Item No. 17 Discussion and possible action to name an interim director of the Road and Bridge Department.
- Item No. 18 Discussion and possible action to establish the qualifications and procedure for the search for potential candidates and appointment of a new Road and Bridge Superintendent.
- Item No. 19 Discussion and possible action regarding pending litigation cases. **[Closed Session requested pursuant to Texas Open Meeting Act 551.071 (Consultation with Attorney)]**

ADDENDUM

- Item No. 1 Discussion and possible action to transfer and reassign the Road and Bridge Department from under the purview of the Webb County Engineer's Department to that of the Webb County Commissioners' Court.

Cmr. Cortez stated that he would be withdrawing Item No. 16, Item No. 17, Item No. 18, Item No. 19 and Addendum Item No. 1. Judge Bruni inquired as to whether Cmr. Cortez would be deferring items to a later meeting. Cmr. Cortez stated that he would not bring items before the Court again.

Judge Bruni stated that on Addendum Item No. 1, the Engineering Department and Road and Bridge Department are separate departments and do not answer to each other. Mr. Homero

Ramirez, County Attorney, stated that these departments work together but have different responsibilities that answer directly to the Commissioners Court. He stated that the Road and Bridge department is run by a statutorily appointed official and the Engineering Department is run by a Court appointed Department Head.

Judge Bruni inquired as to whether Item No. 18 can be accepted as it reads. Mr. Homero Ramirez, County Attorney, recommended that if the County wished to pursue the item that the qualifications be those that have been set up by law.

Judge Bruni motioned to approve Item No. 18 as submitted. Cmr. Gutierrez seconded the motion.

Cmr. Gutierrez stated that this does not prohibit the present official from applying. She stated that this was simply a way to seek possibly more qualified candidates. Mr. Homero Ramirez advised Court to set a timeline for this action to take place. As per Judge Bruni, the time limit would be 30 days and that if present official is the most qualified, then he will retain his position.

Motion carried 4-0 with Cmr. Cortez abstaining from vote.

Item No. 43 Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.